

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 1.

Attachment: One (1) replacement drawing sheet.

### REMARKS

Claims 1-19 are pending in the present application. The drawings were objected to under 37 CFR §1.83(a) as failing to show the magazine slider feature of claim 11. Claims 1-5, 12-17 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Hayasaka et al., U.S. Patent No. 6,327,079. Claims 6-11 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayasaka in view of Toshimitsu, U.S. Patent No. 5,144,478.

Claims 4, 6 and 8 have been amended. New claims 20-23 have been added. Reconsideration of the application is respectfully requested.

#### Objection to the drawings under 37 CFR §1.83(a)

The drawings were objected to under 37 CFR §1.83(a) as failing to show the magazine slider feature of claim 11. Replacement Fig. 1, showing magazine slider 27, is submitted herewith for the Examiner's consideration. The specification at paragraph [0032] has accordingly been amended. It is respectfully submitted that no new matter has been added.

Withdrawal of the objection to the drawings under 37 CFR §1.83(a) is respectfully requested.

#### Rejections under 35 U.S.C. §102(b), 103(a)

Claims 1-5, 12-17 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Hayasaka et al., U.S. Patent No. 6,327,079. Claims 6-11 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayasaka in view of Toshimitsu, U.S. Patent No. 5,144,478.

Hayasaka describes an optical device including a prism 106 that reflects, but does not split, beams. See Figs. 5 and 6.

Toshimitsu describes a microscope having first and second stages in conjugate planes.

See Abstract.

Independent claim 1 of the present application recites a tube for a microscope including "a beam deflecting device including a beam-splitting device" wherein "the beam deflecting device is configured to deflect, in a direction of the beam deflecting unit, a light beam coming from the adaptation interface." It is respectfully submitted that neither Hayasaka nor Toshimitsu teach or suggest such a beam deflecting device including a beam-splitting device, as recited in claim 1. In contrast, prism of 106 of Hayasaka reflects, but does not split a light beam. This is clear from Fig. 6 of Hayasaka. Nor does Toshimitsu disclose this feature. Because both Hayasaka and Toshimitsu are missing at least the above-recited feature of claim 1, neither of these references anticipate, nor could a combination of these references, to the extent proper, render claim 1 or its dependent claims unpatentable.

Withdrawal of the rejection of claims 1-5, 12-17 and 19 under 35 U.S.C. §102(b) based on Hayasaka, and the rejection of claims 6-11 and 18 under 35 U.S.C. §103(a) based on Hayasaka in view of Toshimitsu, is respectfully requested.

#### New claims

New claims 20-23 have been presented reciting features of the invention. Support for new claim 20 may be found, for example, at paragraph [0009] of the specification. New claims 21-23 mirror claims 6-8. It is respectfully submitted that no new matter has been added, and that new claims 20-23 are patentable over the cited prior art.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Erik R. Swanson  
Reg. No. 40,833

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018  
(212) 736-1940